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## SHOULD THE DEATH PENALTY BE ABOLISHED?

because they realize that judicial errors have been committed, our state prisons would not be overcrowded to-day."

In a recent report to the Governor the board recommended the establishment of a reformatory for the state. In regard to plans for improving the methods of dealing with prisoners the president of the board has this to say:

"But as soon as our present plans of reconstructing San Quentin are completed we will have here a system which will be superior to any in vogue in other prisons in the United States. We will have three separate yards and prisoners will be able to go into their respective yards from their cells without passing through the other yards. When a prisoner is received he will be placed in the second yard, and then it will depend upon him whether he is to go up to the first yard or down to the third. But if he goes to the third he may work himself up again, as we are going to have a merit system.

"For the men of the first and second yards there will be no more prison stripes. They will be dressed instead in natty gray uniforms. We are ashamed of our present system, but it takes time to remodel things, and, considering our present equipment, there are no two prisons better conducted than San Quentin and Folsom."

J. W. G.

**Should the Death Penalty Be Abolished?**—Apropos of the question of the abolition of the death penalty, a monograph by Charles A. Brown, without date or place of publication (49 pages), maintains that the death penalty is not necessary in the present state of society among civilized peoples. The sacrifice of life is illegitimate if the sacrifice of liberty is sufficient for the protection and development of society. Punishment by the indeterminate sentence answers all requirements for the protection of society. The death penalty has been abolished for political crimes, and is gradually ceasing in the more enlightened communities. The treatment of criminals affords an infallible test of the civilization of a people.

Taking a different position, Arthur Macdonald writes in the July, 1908, *Journal of Sociology* upon the "Death Penalty and Homicide:" "The death penalty has been enforced less and less, until it has ceased to exist in many countries. Its importance has been overestimated. Whether the death penalty lessens crime, especially murder, cannot as yet be demonstrated by statistics. In certain localities at certain periods the death penalty has been shown with great probability to lessen certain forms of crime, and therefore the probability of this effect has been increased for different countries under similar conditions. From a statistical point of view it is probable that the death penalty tends to lessen certain forms of crime. The opinion of those having long experience in dealing with criminals is favorable to the maintenance of the death penalty. Criminals, themselves, in their own organization for plunder make death the most frequent form of punishment. The most astute criminals, as robbers and bankbreakers, have often said that they prefer to operate where there is no possibility of suffering the death penalty. Arguments against the death penalty are largely theoretical and show a disproportion of sentiment. The fact that the death penalty has gradually ceased to be executed is no reason why it should cease altogether. The death penalty gives a firmness to the execution of all the laws by a sort of radiation. Unnecessary and injurious notoriety given to executions by the press should not be allowed, thus avoiding a serious but unnecessary objection to the death penalty."

## STERILIZATION OF CRIMINALS.

In this connection a brief monograph by Raymond Rosenmark, entitled, "Le Droit de Grace et La Peine de Mort," is interesting; published in Paris, France, in 1908. Monsieur Rosenmark, protesting against the prevailing habit of the chief executives of the French nation to commute the death penalty in the face of the fact that repression has never seemed more necessary, nor statistics more disturbing, states that there are, nevertheless, three excellent features of such commutation of the capital sentence. Such clemency may check immediately the results of a judicial error; such clemency re-establishes the balance between humanity and justice; and finally, a wise use of executive clemency may be employed to reward the good conduct of prisoners in shortening their period of imprisonment.

Monsieur Rosenmark then argues for the abolition of capital punishment, and the establishment in its place of "l'internement perpetuel," life imprisonment at hard labor. "In such abrogation of the death penalty it should be provided that the first six years of said life imprisonment should be in separate confinement, and that if during these six years the prisoner commits any new violation which would carry with it a criminal sentence, he should be condemned to separate imprisonment for life.

O. F. L.

**Sterilization of Criminals.**—Dr. Frederick Green of Chicago has compiled the following bibliography of recent periodical literature dealing with sterilization of criminals:

Chicago Medical Recorder, March, 1909: "Sterilization of Criminals and Other Defectives by Vasectomy," *W. T. Belfield*, Chicago.

Virginia Medical Semi-Monthly, December 11, 1909: "Sterilization of Habitual Criminals," *C. V. Carrington*, Richmond, Va.

Journal of the New Mexico Medical Society, July, 1909: "Sterilization of Criminals and Other Defectives by Vasectomy," *W. T. Belfield*, Chicago.

Journal of the American Medical Association, December 4, 1909: "Vasectomy as a Means of Preventing Procreation in Defectives," *H. C. Sharp*, Indianapolis. (This paper is followed by a lengthy discussion.)

Southern California Practitioner, Los Angeles, November, 1909: "The Indiana Idea of Human Sterilization," *H. C. Sharp*, Indianapolis.

Journal of the Medical Society of New Jersey, December, 1909: "Sterilization of Confirmed Criminals, Idiots, Imbeciles and Other Defectives by Vasectomy," *W. J. Chandler*, South Orange, N. J.

Virginia Medical Semi-Monthly, December 24, 1909: "Sterilization of Habitual Criminals," *C. V. Carrington*, Richmond, Va.

Medical Press and Circular, London, December 29, 1909: "Proposed Sterilization of Certain Degenerates," *R. R. Rentoul*.

Northwestern Lancet, Minneapolis, Minn.: "Sterilization of Habitual Criminals and Degenerates. *Burnside Foster*, St. Paul. Same article in St. Paul Medical Journal, January, 1910.

West Virginia Medical Journal, Wheeling, W. Va., March, 1910: "Sterilization of Confirmed Criminals and Other Defectives," *J. R. Bloss*, Huntington, W. Va.

Virginia Medical Semi-Monthly, Richmond, April 8, 1910: "Hereditary Criminals—The One Sure Cure," *C. V. Carrington*, Richmond.

Medical Herald, St. Joseph, Mo., June, 1910: "Asexualization of the Unfit," *G. H. Bogart*, Brookville, Ind.